

## BEFORE THE DIVISION OF WATER RIGHTS

<p>In The Matter Of:</p> <p>Spring Hollow Grove</p> <p>Central Enterprise Water Association</p> <p><b>RESPONDENT</b></p>	<p><b>DELINQUENT ASSESSMENT COLLECTION NOTICE</b></p> <p>SEAA No. 1333 DISTRIBUTION ACCOUNT: 102462 WATER RIGHTS: 35-8179, 35-10649</p>
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## I. AUTHORITY

The Division of Water Rights ("Division") issues this Notice under UTAH CODE ANN. § 73-5-1 (2008), and in accordance with UTAH ADMIN. CODE R. 655-15 (2008).

U.C.A. § 73-5-1 states in part :

(3) (a) (i) *The salary and expenses of the commissioner and all other expenses of distribution, ... shall be borne pro rata by the users of water from the river system or water source in accordance with a schedule to be fixed by the state engineer.*

(ii) *The schedule shall be based on the established rights of each water user, and the pro rata share shall be paid by each water user to the state engineer on or before May 1 of each year.*

(c) *If a water user fails to pay the assessment as provided by Subsection (3)(a), the state engineer may do any or all of the following:*

(i) *create a lien upon the water right affected by filing a notice of lien in the office of the county recorder in the county where the water is diverted and bring an action to enforce the lien;*

(ii) *forbid the use of water by the delinquent water user or the delinquent water user's successors or assignees, while the default continues; or*

(iii) *bring an action in the district court for the unpaid expense and salary.*

(d) *In any action brought to collect any unpaid assessment or to enforce any lien under this section, the delinquent water user shall be liable for the amount of the assessment, interest, any penalty, and for all costs of collection, including all court costs and a reasonable attorney fee.*

## II. STATEMENT OF FACTS

1. The Respondent is the water user under the captioned distribution account and owner of the captioned water rights. There are multiple owners of water right 35-8179 and the largest portion of the water right was segregated to 35-10649, the owner of which is the Respondent. Spring Hollow Grove has been issued the assessments in the past.

SCANNED

2. A Distribution Assessment Notice for the captioned distribution account was issued on March 28, 2003, for an annual assessment in the amount of \$10.
3. A Distribution Assessment Notice for the captioned distribution account was issued on April 14, 2004, for an annual assessment in the amount of \$20.
4. A Delinquent Distribution Notice for the captioned distribution account was issued on June 14, 2004, adding a delinquent fee in the amount of \$3.
5. A Distribution Assessment Notice for the captioned distribution account was issued on March 17, 2005, for an annual assessment in the amount of \$40.
6. A Delinquent Distribution Notice for the captioned distribution account was issued on June 9, 2005, adding a delinquent fee in the amount of \$7.30.
7. A Distribution Assessment Notice for the captioned distribution account was issued on April 13, 2006, for an annual assessment in the amount of \$40.
8. A Delinquent Distribution Notice for the captioned distribution account was issued on July 13, 2006, adding a delinquent fee in the amount of \$12.03.
9. A Distribution Assessment Notice for the captioned distribution account was issued on April 6, 2007, for an annual assessment in the amount of \$40.
10. A Delinquent Distribution Notice for the captioned distribution account was issued on July 26, 2007, adding a delinquent fee in the amount of \$17.23.
11. A Distribution Assessment Notice for the captioned distribution account was issued on April 23, 2008, for an annual assessment in the amount of \$20.
12. A Delinquent Distribution Notice for the captioned distribution account was issued on October 6, 2008, adding a delinquent fee in the amount of \$20.96.
13. A Distribution Assessment Notice for the captioned distribution account was issued on May 26, 2009, for an annual assessment in the amount of \$20.
14. A Delinquent Distribution Notice for the captioned distribution account was issued on August 4, 2009, adding a delinquent fee in the amount of \$25.05.
15. **The unpaid balance of the captioned distribution account is \$275.57, including assessments and delinquent penalties.**

### III. ACTIONS REQUIRED

1. The Respondent is hereby notified that the unpaid balance of \$275.57 must be paid in full within 30 days of the date of this Notice.
2. Payment of the unpaid balance shall be made in the form of a check payable to "**Utah State Engineer**" delivered to the address below:

Utah State Engineer  
1594 West North Temple  
PO Box 146300  
Salt Lake City UT 84114-6300

3. The enclosed assessment notice must be submitted with the payment and the distribution account number shown in the caption of this notice must be written on the check.

#### IV. ADDITIONAL AGENCY ACTION

1. The Respondent is encouraged to pay the unpaid balance in full as required by this Notice. If the payment is made in a timely manner, the Division will conclude this agency action.
2. If the payment is not made in a timely manner, the Division will issue an Order forbidding the use of water until the payment is made as allowed under Utah Code Ann. § 73-5-1 (3)(c)(ii).
3. If an Order forbidding the use of water is issued and is violated by the Respondent, the Division may commence an enforcement action in accordance with Utah Code Ann. § 73-2-25 (2008).
4. If determined to be in violation an Order, the Respondent may be subject to administrative penalties in accordance with Utah Code Ann. § 73-2-26 (2005), including fines not to exceed \$5,000 per day for knowing violations or \$1,000 per day for unknowing violations and replacement of up to 200% of water diverted in violation of the Order. In addition, the Respondent may be liable for expenses incurred by the Division in investigating and stopping the violation."

#### V. FURTHER INFORMATION

If you have any questions concerning this Notice, please refer them to:

Ross Hansen  
*Regional Engineer*  
*Weber Regional Office*  
*Utah Division of Water Rights*  
*(801) 538-7397*

Or

Ben Anderson  
*Water Rights Distribution Engineer*  
*Utah Division of Water Rights*  
*(801) 538-7469*

SEAA No.

Spring Hollow Grove/ Central Enterprise Water Association, Respondent

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*1594 W North Temple Ste 220  
P.O. Box 166300  
Salt Lake City, UT 84104-6300*

Dated this 22 day of September, 2009



Ben L. Anderson, P.E.  
Water Rights Distribution Engineer

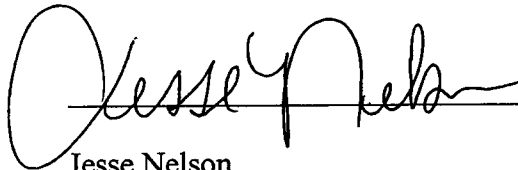
CERTIFICATE OF MAILING

I, the undersigned, certify that on this 22nd day of September, 2009, I mailed a copy of the foregoing Notice by regular U.S. Mail, delivery confirmation receipt requested, to the following:

Central Enterprise Water Association  
C/o Jeffrey R. Smith, President  
P.O. Box 717  
Morgan, UT 84050

and

Spring Hollow Grove  
4776 N Silverstone  
Mountain Green, UT 84050



Jesse Nelson  
Division of Water Rights  
Field Services Secretary